

Docket No.: 50229-420



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
Grace JONES, et al.	:	Confirmation Number: 9113
Application No.: 10/719,024	:	Group Art Unit: 1647
Filed: November 24, 2003	:	Examiner: Shulamith Shafer
For: MUTANTS AND ASSAY SYSTEM TO IDENTIFY USP/RXR LIGANDS	:	

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Restriction Requirement
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement mailed March 29, 2006. Accordingly, this response is due, together with the fee for a one month extension of time, on or before May 29, 2006.

The Examiner requires restriction to one of the following groups of claims for prosecution in the above-referenced application:

Group I	Claims 1-21, directed to nucleic acids;
Group II	Claims 22 and 23, directed to proteins;
Group III	Claims 24 and 25, directed to methods of identifying ligands of nuclear hormone receptors; and
Group IV	Claims 26-29, directed to nuclear hormone receptor response elements.

Applicant elects with traverse Group I, including claims 1-21 for prosecution in the subject application.


The Examiner also requires election of a single specie if group I, II or III is elected. Accordingly, Applicant elects specie A.

It is respectfully submitted that the restriction requirement is too narrowly drawn and that, in particular, Group II should be rejoined with Group I, since it is not an undue burden on the Examiner to search both the nucleic acid encoding a protein and the use of the protein encoded by the nucleic acid in a functional assay. Moreover, it is respectfully submitted that the election of species is also too narrowly drawn, since examination of sequences that differ in respect to only one to three nucleotides is not an undue burden.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Judith L. Toffenetti, PhD, Esq.
Registration No. 39,047

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 TAH:blg
Facsimile: 202.756.8087
Date: May 10, 2006

**Please recognize our Customer No. 20277
as our correspondence address.**